

**LEON COUNTY
CONCURRENCY MANAGEMENT**

POLICIES AND PROCEDURES MANUAL

Leon County Department of Community Development

1.0.0 General

1.1.0 Authority

The "Local Government Comprehensive Planning and Land Development Regulation Act," Florida Statutes (F.S.) 163.3161 - 163.3243, the Tallahassee-Leon County Comprehensive Plan and Article VI of Chapter 10 of the Leon County Code of Laws.

1.2.0 Purpose

To define the Concurrency Requirements of the Comprehensive Plan. To outline the requirements and procedures that must be followed by applicants for new development in order to satisfy Concurrency. To outline the procedures to be followed by staff to maintain the Concurrency Management System.

1.3.0 Organization

This document is organized in such a way that the interested reader is taken step-by-step through the process used to satisfy the Concurrency Requirement of the Comprehensive Plan. Section 1.0.0 provides general information and definitions related to Concurrency Management. Section 2.0.0 outlines Concurrency Management policies and procedures. Section 3.0.0 identifies Concurrency requirements relative to all types of Development Orders. Section 4.0.0 identifies the adopted Level of Service Standards for Concurrency facilities. Sections 5.0.0 and 6.0.0 outline the data required from an applicant to satisfy Concurrency relative to a specific development project and the review process that will be followed by staff. Section 7.0.0 references the process that must be followed to establish vested rights for a development project and Section 8.0.0 identifies miscellaneous policies and processes related to Concurrency. The appendices identify the current inventory of public facilities and outline the procedures that will be used by staff on a daily and annual basis to update and maintain the Concurrency Management System.

1.4.0 Enforcement

1. Concurrency shall be enforced by the Director of Growth and Environmental Management and the County Attorney of Leon County, Florida. Whenever the Director determines that a violation has occurred or is occurring, a written notice of violation shall be issued to the person(s) in violation, identifying the nature and location of the violation and specifying the remedial actions required to bring the violation into compliance.
2. The Director of Growth and Environmental Management shall have the authority to immediately issue a Stop Work Order when the Director has determined that any provision of the County's Concurrency Management Ordinance has been violated. The Director shall also have the authority to immediately issue a Stop Work Order whenever the Director has determined that factual circumstances indicate that incorrect information was provided to obtain a Certificate of Concurrency, or development is occurring without a Certificate of Concurrency.

1.5.0 Definitions

1.5.1 Applicant - A landowner, lessee, developer, contractor or other legal entity, including agents, employees, independent contractors or others in privity with any of the above, or any natural persons, corporation, partnership, joint venture, governmental body, agency or official involved in the construction, development or sale of real property.

1.5.2 Capacity - The potential or suitability for holding, storing or accommodating the demands of the impacts of development at a defined level of service.

1. Existing Capacity - the capacity of a concurrency facility at the present time.
2. Programmed Capacity - the capacity of a concurrency facility at some future time after improvements.
3. Reserved Capacity - a concurrency facility capacity that has been reserved for a specific development project or projects.

4. Available Capacity - the capacity of a concurrency facility available for use by the demand from new development.

1.5.3 Categories of Public Facilities

1. Category "A" - public facilities are arterial and collector roads, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, and mass transit facilities owned or operated by the local government.
2. Category "B" - public facilities are libraries, correctional, emergency medical service, fire service, bikeway, sidewalk, airport and other government facilities owned or operated by the local government.
3. Category "C" - public facilities are arterial and collector roads, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, and mass transit facilities owned or operated by Federal and State governments, independent districts, and private organizations.

1.5.4 Certificate of Concurrency - a statement, related to a specific development project, or part thereof that concurrency is satisfied and that a specified amount of facility capacity is reserved for a specified period of time based on the expiration date of the permit or Development Order approval or as indicated on the Certificate of Concurrency when issued by the County.

1.5.5 City - The City of Tallahassee, Florida.

1.5.6 Comprehensive Plan - The Tallahassee/Leon County Comprehensive Plan and any subsequent amendments.

1.5.7 Concurrency - assurance that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur according to the Comprehensive Plan.

1.5.8 Concurrency Facility - all Category "A" and Category "C" public facilities.

1.5.9 Concurrency Management System (CMS) - the inventory capacity and demand accounting system to reflect the current status of all concurrency facilities.

1.5.10 Concurrency Review - the process to determine if there is adequate and available capacity to accommodate the impact of new development projects at or above the adopted level of service.

1.5.11 Conditional Certificate of Concurrency - a statement related to a specific development project, or part thereof and linked to a specific development agreement that concurrency will be satisfied upon the satisfactory execution of the development agreement.

1.5.12 County - Leon County, Florida.

1.5.13 Demand - the requirements or burden placed on public facilities at the present time or projected into the future.

1. Existing Demand - the demand on a public facility that is currently present and that can be measured, i.e., the actual traffic count on a street or the rate of flow through a wastewater treatment plant.
2. Vested Demand - the demand on a public facility that is expected to occur due to development with of a project or parcel deemed to have vested rights under the concurrency requirement.
3. Permitted Demand - the demand on a public facility that is expected to occur due to development that has been permitted under the provisions of the Comprehensive Plan.
4. Committed Demand - the sum of the vested demand and the permitted demand.
5. Project Demand - the demand on a public facility that is expected to occur due to a development project with a Certificate of Concurrency.

6. Total Demand - the sum of Existing Demand, Vested Demand, Permitted Demand and Project Demand.

1.5.14 Development - any proposed change in the use or character of the land as defined in Article I of Chapter 10 of the Leon County Code of Laws.

1.5.15 Development Agreement - a Local Government Development Agreement, as defined in Florida Statutes, Section 163.3220-163.3243 and Leon County Code Chapter 10 Article XV.

1.5.16 Development Order (DO) - shall mean any order, permission, or permit issued by a local government granting, or granting with conditions, the development of land.

1. Preliminary DO - shall mean a site and development plan approval, an exempt subdivision as defined pursuant to Article I of Section 10 of the Leon County Code of Laws DRI DO, a planned unit development concept plan approval, a planned unit development final development approval, and any other DO not included in the definition of final DO.

2. Final DO - a building permit or an environmental management permit.

1.5.17 DR - Leon County Development Review and Inspection Division.

1.5.18 Director - the Director of the Department of Growth and Environmental Management..

1.5.19 Development Project (Project) - a specific development activity on a specific site to which a specific DO or Certificate of Concurrency applies. A "development project" may be a large development with several phases, one (1) or more phases within a larger development, a project unrelated to any other development activity or a single structure.

1.5.20 Functionally Classified Roads - all streets and roads classified as Arterial or Collector on the "Functional Classification Map" of the Tallahassee-Leon County Comprehensive Plan.

1.5.21 Large Projects - "Large Projects" are defined as those development projects whose total driveway vehicle trips generated during the PM peak hour are estimated to be more than 100 or other projects not classified as small (Section 1.5.28).

1.5.22 LCCD - Leon County Department of Growth and Environmental Management.

1.5.23 Level of Service (LOS) - an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on or related to the operational characteristics of the facility.

1.5.24 Project Status Determination - a determination issued by Development Review and Inspection staff that identifies a proposed project's vested/exempt status and zoning classification. This determination or a Certificate of Concurrency must accompany a request for any final DO.

1.5.25 Pro rata share - the portion of the cost of a facility improvement that is attributable to a specific development project. The pro rata share of a facility improvement is generally calculated as follows:

$$\text{Pro rata share} = \frac{A - B \times D}{C}$$

A = Project Demand
B = Available Capacity
C = Increase in Capacity
D = Improvement Cost

If the available capacity is greater than the project demand, the pro rata share equals zero.

1.5.26 Schedule of Capital Improvements - concurrency facility improvements included in the Capital Improvements Element of the Comprehensive Plan.

1.5.27 Significantly Affected (Transportation Concurrency) - is defined as follows:

1. Any roadway segment operating at or above the adopted LOS based on the most recent annual traffic count and exempt/vested demand as outlined in Subsection 7.2.0 is "significantly affected" by the development if the development project is expected to contribute vehicle trips equal to five percent (5%) or more of the service volume at the adopted LOS in the peak hour and in the peak direction.
2. Any roadway segment operating below the adopted LOS based on the most recent annual traffic count is "significantly affected" by the development if the development project is expected to contribute vehicle trips equal to one percent (1%) or more of the service volume at the adopted LOS in the peak hour and in the peak direction.
3. Notwithstanding the criteria of Subsection 2.4.2. (1)(a), any roadway on which the existing traffic based on the most recent annual traffic count plus approved project demand (projects that have received a Certificate of Concurrency) exceeds 120% of the service volume at the adopted LOS is "significantly affected" by the development project if the development project is expected to contribute new vehicle trips equal to one percent (1%) or more of the service volume at the adopted LOS in the peak hour and in the peak direction on that roadway segment.

1.5.28 Small Projects - "Small Projects" are defined as those development projects whose total driveway vehicle trips generated during the P.M. peak hour are estimated to be 100 or less.

1.5.29 TLCPD - The Tallahassee-Leon County Planning Department.

1.5.30 Vested Rights- Exemptions from concurrency and consistency for non-residential developments with a valid vesting certificate and developments that are statutorily vested under the Leon County Land Development Code or the Tallahassee/Leon County Comprehensive Plan.

2.0.0 Concurrency

2.1.0 Concurrency Policy - the Concurrency Policy (from Policy 1.3.3.1 of the Capital Improvement Element of the Comprehensive Plan) is as follows:

No Final DO shall be issued by Leon County after the effective date of the Leon County Concurrency Management Ordinance, unless there shall be sufficient capacity of Category "A" and Category "C" public facilities to meet the standards for LOS for the existing population, previously permitted development and for the proposed development according to the following time lines:

1. For the following public facilities, the capacity must meet the standards prior to the issuance of the building permit. All other Dos shall be conditioned on the requirement that building permits will not be issued for the subject property until the capacity of the following public facilities meets the standards or the applicant has provided the County with financial assurances or other assurances which guarantee that the facility(ies) will be improved in order to operate at the adopted LOS of Category "A" and Category "C".
 - ◆ Potable Water
 - ◆ Sanitary Sewer
 - ◆ Solid Waste
 - ◆ Stormwater Management
2. For arterial and collector roads, the capacity necessary to meet the standards must be available or have a contract letting date within three (3) years of the issuance of the Final DO, consistent with the provisions of Rule 9J-5.0055(2)(c), Florida Administrative Code.
3. For parks and recreation, and mass transit facilities, the capacity must meet the standards within 12 months of the issuance of the Final DO.
4. On-site potable water wells and sewage treatment systems which meet all applicable standards and regulations shall be determined to be concurrent.
5. On-site package treatment facilities which meet all applicable standards and regulations shall be determined to be concurrent.